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Patent# 6486768

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Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "one aspect of invention" is repetitive, and should be avoided.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1, 3-4, 7, 9, 19, 21-22, 25, 27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 7-8, 13 and 16 of copending Application No. 09535076 in view of Buckens.
2. Regarding claims 1 and 19, AP-076 claims a cart return system for use by a store, the system comprising; a detection loop; a cart detection circuit; and a processing circuit in claim 5.

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However, AP-076 is silent on claiming a store utilizing a computer (claim 1) or a loop oscillator circuit (claims 1 and 19).

However, Buckens discloses, in the same field of endeavor, object detection system, a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit (30, Fig. 1, Figs. 6A-C, col. 4, line 58 to col. 5, line 5; col. 8, lines 12; col. 26, lines 12-22, general detection system) to detect the presence of object whereby the mechanism distinguish between signals produced by true targets and signals produces by other pieces of metal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit in the device of AP-076 as evidenced in the device of Buckens because AP-076 suggests an object detection circuit for detecting objects such a s a cart, Buckens teaches one use of detecting objects to include a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit, one skilled in the art recognizes loop oscillator detecting is an equivalent teaching to photo detection.

Regarding claims 3 and 21, AP-076 continues to claim a control circuit detecting a change in inductance of the loop (claim 7).

Regarding claims 4 and 22, AP-076 continues to claim a processor identifying the cart return condition in response to the control circuit (claim 8).

Regarding claims 7 and 25, AP-076 continues to claim a card reader (claim 13).

Regarding claims 9 and 27, AP-076 continues to claim the customer identification code corresponds to a customer who returns a shopping cart to the cart return location (claim 16).

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (4,470,495) in view of Buckens (4,623,877) and Amdahl et al. (6,024,203).

Regarding claim 1, Unger discloses a cart return system (col. 1, lines 6-10, return of shopping carts) for use by a store utilizing a computer (Fig. 2, block diagram of computer containing logics and detector), the system comprising photo detector arranged at the entrance to a cart return location (Figs. 1-2, col. 2, lines 5-36, photo detector circuit), a photo detector circuit (Figs. 1-2, col. 2, lines 5-36, photo detector circuit); and a processing circuit (Figs. 1-2, col. 2, lines 5-47, logic and detector circuits). But Unger fails to disclose a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit, wherein the processing circuit is capable of providing a customer identification code to the computer.

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However, Buckens discloses, in the same field of endeavor of object detection system, a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit (30, Fig. 1, Figs. 6A-C, col. 4, line 58 to col. 5, line 5; col. 8, lines 12; col. 26, lines 12-22, general detection system) to detect the presence of object whereby the mechanism distinguish between signals produced by true targets and signals produces by other pieces of metal. Furthermore, one of ordinary skill in the art recognizes a detection loop as defined by Buckens and a photo-detection system as defined by Unger are alternative means for providing detection of an object. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit in the device of Unger as evidenced in the device of Buckens because Unger suggests a photo detector for detecting objects, Buckens teaches a detection loop, a loop oscillator circuit and a processing circuit, connected to the loop oscillator circuit for detecting objects and one skilled in the art recognizes the detector system of Buckens is a known alternative to photo-detector system defined by Unger for achieving the same end result of detecting objects.

Amdahl discloses, in the art of cart management system, the processing circuit is capable of providing a customer identification code to the computer (col. 17, lines 49-58, card reader provides customer id to computer) as an additional customer information for cart management system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a customer identification code to the computer in the device of Unger as evidenced in the device of Amdahl because Unger suggests cart identification method and Amdahl teaches the processor is capable of providing a customer identification

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code to the computer (col. 17, lines 49-58, card reader provides customer id to computer) as an additional customer information for cart management system.

Regarding claim 2, Unger continues, as disclosed in claim 1, to disclose a direction of a cart (col. 2, lines 48-56).

Regarding claim 3, Unger continues, as disclosed in claim 1, to disclose a detected condition of a cart (col. 2, lines 48-56, detecting the direction of cart).

Regarding claim 4, Unger continues, as disclosed in claim 3, to disclose a processor identifying the cart return condition (col. 2, lines 48-56, determining the returned cart upon detecting the direction of cart).

Regarding claim 5, continues, as disclosed in claim 4, to disclose the control circuit comprises a first microcontroller and the processor comprises a second microcontroller (Fig. 2, two receivers, two counters and two comparators are combined to one microcontroller).

All subject matters in claim 19 are disclosed in claim 1, and therefore, rejections of the subject matters expressed in claim 19 are met by the cited references and associated arguments applied to rejections of claim 1.

All subject matters in claims 20-23 are disclosed in claims 2-5 and 19, and therefore, rejections of the subject matters expressed in claims 20-23 are met by the cited references and associated arguments applied to rejections of claims 2-5 and 19.

3. Claims 6-15,17-18, 24-34 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger in view of Buckens and Amdahl as applied to claim 1 above, and further in view of Larson et al. (5,708,782).

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Regarding claims 6 and 9, Unger continues, as disclosed in claim 1, to disclose a processor identifying the cart return condition (col. 2, lines 48-56, determining the returned cart upon detecting the direction of cart). But Unger in view of Buckens and Amdahl fails to disclose the processing circuit includes a customer identification device that provides the customer identification code responsive to the cart return condition.

However, Larson discloses, in the art of identification system, disclose the processing circuit includes a customer identification device that provides the customer identification code responsive to the cart return condition (col. 5, lines 40-54, an activated key issued by the cashier for reward upon returning cart; an activated key is customer ID) to provide reward for returning cart. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the processing circuit includes a customer identification device that provides the customer identification code responsive to the cart return condition in the device of Unger as evidenced in the device of Larson because Unger suggests cart identification and Larson teaches a customer identification device that provides the customer identification code responsive to the cart return condition to provide reward for returning cart.

Regarding claim 7, Larson continues, as disclosed in claim 6, to disclose a card reader (Fig. 6, col. 9, lines 11-19, card reader).

Regarding claim 8, Larson continues, as disclosed in claim 7, to disclose a card reader may be swiped (Fig. 6, col. 9, lines 11-19, may be inserted card reader).

Claims 10 and 31 recites a method of operation corresponding to cart return loyalty credit system of claims 1, 6 and 9. The method claimed is obvious in that it simply follows the logical implementation of cart return loyalty credit system indicated in the claims in performing

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each of the functional operations of cart return loyalty credit system. Accordingly, the inventive embodiments set forth in claims 10 and 31 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claims 10 and 31 would have been obvious to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 6 and 9.

Regarding claim 11, Larson continues, as disclosed in claim 10, to disclose the customer identification code is obtained from a customer identification card (col. 4, lines 33- 48; receiving a coded key or Identification card; col. 9, lines 11-19, code is in the key).

Claims 12-13 recite a method of operation corresponding to cart return loyalty credit system of claims 4 and 10. The method claimed is obvious in that it simply follows the logical implementation of cart return loyalty credit system indicated in the claims in performing each of the functional operations of cart return loyalty credit system. Accordingly, the inventive embodiments set forth in claims 12-13 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claims 12-13 would have been obvious to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 4 and 10.

Regarding claim 14, Larson continues, as disclosed in claim 10, to disclose generating a signal indicative of an acknowledgment by the computer (col. 8, lines 32-41, an acknowledgement from the store computer).

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Regarding claim 15, Larson continues, as disclosed in claim 14, to disclose activating an indicator responsive to the signal indicative of an acknowledgment by the computer (col. 7, line 60 to col. 8, line 41, 32-41, returning to a standby mode).

Regarding claim 17, Larson continues, as disclosed in claim 10, to disclose the sending comprises wireless signaling between the cart return location and the computer (Fig. 1, RF LAN (16)).

Regarding claim 18, Unger continues, as disclosed in claim 10, to disclose the sending comprises wired signaling between the cart return location and the computer (Fig. 2, reward is provided directly at the dispenser (54)).

All subject matters in claims 24-27 are disclosed in claims 6-9 and 19, and therefore, rejections of the subject matters expressed in claims 24-27 are met by the cited references and associated arguments applied to rejections of claims 6-9 and 19.

Regarding claims 28-29, Larson continues, as disclosed in claim 19, to disclose the processing circuit is connected to a computer affiliated with a store, and the customer identification code is stored in a memory (Fig.1, a key card issued by command center and service center).

Regarding claims 30, Larson continues, as disclosed in claim 29, to disclose the processing circuit is connected to a computer affiliated with a store, and the customer identification code is stored in a memory (Figs.1-2, col. 4, lines 33-48 and col. 5, lines 34-64; col. 7, line 60 to col. 8, line 54, a key card code issued by command center and service center).

Claims 32-34 and 36-40 recite a method of operation corresponding to cart return loyalty credit system of claims 11-15 and 17-18. The method claimed is obvious in that it simply

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follows the logical implementation of cart return loyalty credit system indicated in the claims in performing each of the functional operations of cart return loyalty credit system. Accordingly, the inventive embodiments set forth in claims 32-34 and 36-40 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claims 32-34 and 36-40 would have been obvious to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 11-15 and 17-18.

Regarding claim 41, Larson continues, as disclosed in claims 6 and 9, to disclose means of obtaining a customer identification code proximal in time to the cart return signal (col. 5, lines 55-64, the key expiring in ten days).

Allowable Subject Matter

3. Claims 16 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Updating a customer loyalty database indexed by the customer identification code with a prespecified number of points associated with a cart return, as claimed in dependent claims 16 and 35 is not taught nor suggested by the prior art of record.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841.

The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Micheal Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

September 25, 2001

Notice of References Cited	Application/Control No. 09/153,912	Applicant(s)/Patent Under Reexamination FRENCH ET AL.	
	Examiner Matsuichiro Shimizu	Art Unit 2635	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number	Date	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY			
	A	US-,470,495	09-1984	Unger	194	4 C
	B	US-4,623,877	11-1986	Buckens	340	572
	C	US-6,024,203	02-2000	Amdahl et al.	194	213
	D	US-5,708,782	01-1998	Larson et al.	395	214
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

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	S						
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Response to Amendment

The examiner acknowledges amended abstract, amended claims 1, 10, 19, 31 and 41, and new claims 42-43.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Amended abstract provided by the applicant is about 200 words in length. The examiner requests the applicant providing abstract within the range of 50 to 150 words in length.

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 10, 19, 31 and 41, the prior arts fail to teach or fairly suggest a loop oscillator connected to the detection loop, wherein an oscillation is generated by moving a cart proximate to the detection loop and a processing circuit, connected to the loop oscillator circuit, being capable of detecting a change in inductance of the loop and identifying a cart return condition in response to the loop oscillator circuit, wherein the processing circuit is adapted to provide a customer identification code to the computer, wherein the customer identification code is unique to each customer and which is input to the system by the customer.

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Claims 2-9, 11-18, 20-30 and 32-40 are directly/ or indirectly dependent on claims 1, 10, 19, 31, therefore, the prior arts fail to teach or fairly suggest claims 2-9, 11-18, 20-30 and 32-40 for same reason that the prior arts fail to teach or fairly suggest claims 1, 10, 19, 31.

Regarding claims 42-43, the prior arts fail to teach or fairly suggest updating a customer loyalty database indexed by the customer identification code with a prespecified number of points associated with a cart return, as claimed in dependent claims 42-43 is not taught nor suggested by the prior art of record.

As a consequence of withdrawing 103 Rejection, the “provisional” double patenting rejection is the only rejection remaining in this application. Therefore, the examiner is withdrawing the double patenting rejection in accordance to the section of MPEP 804.I.B (lines 18-30).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

May 28, 2002